

### **REMARKS**

Claims 1-15, 17, and 22-25 are pending in the application. Claims 16 and 18-21 have been cancelled. Claim 25 has been added. Claims 1, 17, 22 and 22-24 have been amended. Claims 1, 22, and 25 are in independent form.

#### **Claim Rejections – 35 USC §102**

1-2. Claims 1, 10, 16-17, and 22-24 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,338,428 to Kawasaki et al. Applicant respectfully traverses the rejection.

Applicant has amended claim 1 to include the limitation “a mid-mount disposed within said open channel and secured to said main body portion at a location between said opposing first and second ends thereof for preventing deformation of said main body portion as a load is applied thereto.”

**Kawasaki does not disclose a mid-mount disposed within an open channel and secured to a main body portion, as specifically required by amended claim 1.** The Examiner contends that Kawasaki discloses an elongated main body portion (2) including an open channel (center of pipe-shaped rail core 20) and end portions (3, 4). The Examiner further contends that Kawasaki discloses a mid-mount (5) secured to the main body portion (2) at a location between the first and second ends (3, 4). The mid-mount (5), however, is not disposed within the open channel/center of pipe-shaped rail core (20). Rather, the mid-mount (5) is secured to an outer surface of the pipe-shaped rail core (20). As such, Kawasaki does not disclose each and every limitation of amended claim 1.

Applicant has cancelled claim 16.

Claims 10 and 17 depend from amended claim 1 and, as such, must be construed to incorporate by reference all the limitations of amended claim 1, *see* 35 U.S.C. §112, fourth paragraph. Amended claim 1 is allowable for the reasons set forth above. Thus, claims 10 and 17 are also allowable.

Applicant has amended claim 22 to include the limitation "an elongated main body portion including an open channel extending between opposing first and second ends, said main body portion having a reinforcement structure integrally molded within said open channel."

**Kawasaki does not disclose a reinforcement structure integrally molded within an open channel, as specifically required by amended claim 22.** As noted above, the Examiner contends that Kawasaki discloses an elongated main body portion (2) including an open channel (center of pipe-shaped rail core 20). The pipe-shaped rail core (20) is cylindrical and does not include a reinforcement structure integrally molded therewithin. As such, Kawasaki does not disclose each and every limitation of amended claim 22.

Claims 23 and 24 depend from amended claim 22 and, as such, must be construed to incorporate by reference all the limitations of amended claim 22, *see* 35 U.S.C. §112, fourth paragraph. Amended claim 22 is allowable for the reasons set forth above. Thus, claims 23 and 24 are also allowable.

Applicant respectfully requests, therefore, that the rejection under 35 U.S.C. 102(b) of claims 1, 10, 16-17, and 22-24 as being anticipated by Kawasaki et al. be withdrawn.

3. Claims 1 and 18-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,765,737 to Cucheran et al. Applicant respectfully traverses the rejection.

Applicant has amended claim 1 to include the limitation "a mid-mount disposed within said open channel and secured to said main body portion at a location between said opposing first and second ends thereof for preventing deformation of said main body portion as a load is applied thereto."

**Cucheran does not disclose a mid-mount disposed within an open channel and secured to a main body portion, as specifically required by amended claim 1.** The Examiner contends that Cucheran discloses an elongated main body portion (112) including an open channel (126) extending between opposing first and second ends. Cucheran does not disclose a mid-mount. More specifically, Cucheran does not disclose a mid-mount disposed within the

open channel (126). As such, Cucheran does not disclose each and every limitation of amended claim 1.

Applicant has cancelled claims 18-21.

Applicant has amended claim 22 to include the limitation "a mid-mount, wherein said reinforcement structure includes at least one aperture for receiving a fastener to secure said mid-mount to said main body portion."

**Cucheran does not disclose a reinforcement structure having at least one aperture for receiving a fastener to secure a mid-mount to a main body portion, as specifically required by amended claim 22.** The Examiner contends that Cucheran discloses an elongated main body portion (112) including a reinforcement structure (internal rib between the channel 128 and the hollow area 126) integrally molded therein. Cucheran does not disclose a mid-mount. Further, the reinforcement structure (internal rib between the channel 128 and the hollow area 126) does not include at least one aperture for receiving a fastener to secure a mid-mount to the main body portion (112). As such, Cucheran does not disclose each and every limitation of amended claim 22.

Claims 23 and 24 depend from amended claim 22 and, as such, must be construed to incorporate by reference all the limitations of amended claim 22, *see* 35 U.S.C. §112, fourth paragraph. Amended claim 22 is allowable for the reasons set forth above. Thus, claims 23 and 24 are also allowable.

Applicant respectfully requests, therefore, that the rejection under 35 U.S.C. 102(b) of claims 1 and 18-24 as being anticipated by Cucheran et al. be withdrawn.

**Claim Rejections – 35 USC §103**

4-5. Claims 2-10 and 12-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Cucheran et al. as applied to claim 1 above, and further in view of Kawasaki et al. Applicant respectfully traverses the rejection.

Applicant has cancelled claim 16.

Claims 2-10, 12-15, and 17 depend from amended claim 1 and, as such, must be construed to incorporate by reference all the limitations of amended claim 1, *see* 35 U.S.C. §112, fourth paragraph. Amended claim 1 is allowable for the reasons set forth above. Thus, claims 2-10, 12-15, and 17 are also allowable.

Applicant respectfully requests, therefore, that the rejection under 35 U.S.C. 103(a) of claims 2-10 and 12-17 as being unpatentable over Cucheran et al. as applied to claim 1 above, and further in view of Kawasaki et al. be withdrawn.

6. Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Cucheran et al. in view of Kawasaki et al. as applied to claim 10 above, and further in view of U.S. Patent 5,573,159 to Fisch et al. Applicant respectfully traverses the rejection.

Claim 11 depends from amended claim 1 and, as such, must be construed to incorporate by reference all the limitations of amended claim 1, *see* 35 U.S.C. §112, fourth paragraph. Amended claim 1 is allowable for the reasons set forth above. Thus, claim 11 is also allowable.

Applicant respectfully requests, therefore, that the rejection under 35 U.S.C. 103(a) of claim 11 as being unpatentable over Cucheran et al. in view of Kawasaki et al. as applied to claim 10 above, and further in view of Fisch et al. be withdrawn.

### **New Claims**

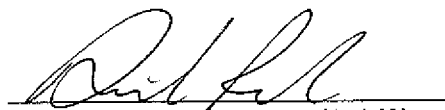
New independent claim 25 claims a roof rail including an elongated main body portion including an open channel extending in a longitudinal direction between opposing first and second ends, the main body portion including a pair of laterally spaced apart walls and a connecting wall extending therebetween defining the open channel; a reinforcement structure integrally molded within the open channel, the reinforcement structure extending in a lateral direction between the pair of laterally spaced apart walls, and the reinforcement structure including at least one aperture; a mid-mount secured to the reinforcement structure with a fastener extending through the mid-mount into the at least one aperture; and an end portion

integrally formed with the main body portion at each of the first and second ends thereof for attaching the roof rail to a motor vehicle roof.

None of the cited references disclose a main body portion including a pair of laterally spaced apart walls and a connecting wall extending therebetween defining an open channel, and a reinforcement structure integrally molded within the open channel, the reinforcement structure extending in a lateral direction between the pair of laterally spaced apart walls, as specifically required by new independent claim 25. The Examiner contends that Cucheran discloses an elongated main body portion (112) including a reinforcement structure (internal rib between the channel 128 and the hollow area 126) integrally molded therein. The Examiner further contends that Cucheran discloses a pair of spaced apart outer walls (top and bottom of the main body portion 112) and a connecting wall (right side wall shown but unlabelled in Fig. 10) extending therebetween. The hollow area (126) extends in a longitudinal direction. The top and bottom of the main body portion (112) are spaced apart in a vertical direction rather than a lateral direction. Thus, the internal rib between the channel (128) and the hollow area (126) extends in the vertical direction between the top and bottom of the main body portion (112) not in a lateral direction as required in new independent claim 25. As such, Cucheran does not disclose each and every limitation of new independent claim 25.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or the patent application, the Examiner is invited to contact the undersigned.

Respectfully submitted,



David J. Ford (Reg. No. 62,462)  
Clark Hill PLC  
500 Woodward Avenue, Suite 3500  
Detroit, MI 48226-3435  
(313) 965-8575

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